

103 CMR 410.~~00~~: SENTENCE COMPUTATION

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410.01 Purpose

~~—The purpose of 103 CMR 410.~~00~~ is to~~ establish procedures governing~~provide for the accurate computation and recording,~~ calculation, review and communication of an inmate's sentence structure~~inmate sentences~~ in conformance with applicable laws~~regulations and statutes~~.

410.02 Statutory Authorization

~~—103 CMR 410.~~00~~ is issued pursuant to M.G.L. c. 124, § 1 (c), (g) and (j),~~ M.G.L. c.125, §§ 12 and 14, M.G.L. c.127, §§ 129, 129B, 129C and, 129D, and M.G.L. c. 279, § 33A and St. 1993, c. 432 of The Acts of 1993.

410.03 Cancellation

~~—103 CMR 410.~~00~~ cancels all previous~~ Department of Correction (Department or DOC)~~department~~ policy statements,

bulletins, directives, orders, notices and regulations regarding sentence computation which are inconsistent with 103 CMR 410.~~00~~.

410.04 Applicability

103 CMR 410.~~00~~ applies to all ~~DOC~~department employees and inmates.

410.05 Access

103 CMR 410.~~00~~ shall be maintained within the central policy file of the ~~DOC~~Department and ~~shall be~~ accessible to all ~~DOC~~Department employees. A copy of 103 CMR 410.~~00~~ shall also be maintained in each Superintendent's central policy file and ~~in~~at each inmate library.

410.06 Definitions

Additional Data - Documents or orders that alter an inmate's original sentence structure including, but not limited to, additional or supplemental sentences, revised or corrected mittimus jail credit orders or letters, and any documents received as a result of a return from parole, probation, or escape.

Admissions - Inmates committed to the DOC as a result of a court order, the execution of a parole violation warrant, probation violation or as a return from escape.

Central Date Computation Unit (CDCU) - The DOC unit responsible for executing all sentencing orders of the court, formulating the sentence structure, and computing release dates for all inmates in the DOC's jurisdiction throughout his/her incarceration.

~~Associate~~Commissioner - The chief executive officer of the DOC.

Commissioner's Designee - An ~~, Reentry and Reintegration~~ the individual or entity assigned by the Commissioner to review and approve inmate releases.

Committing Institution - The state or county institution to which the inmate was originally committed.

Deduction from Sentence (DFS) Report - The report generated from the Inmate Management System (IMS) for a specified time period that itemizes the recommendations for granting of Earned Good Time and includes updated combined release dates.

Deputy Commissioner of Reentry - The DOC's Deputy Commissioner whose duties include, but are not limited to, the management oversight of the ~~Office of Inmate Risk and Placement, Classification Division, Female Offender Services, Inmate Education and Training Division, Reentry and Program Services Division, Inmate Training and the Education, Reentry and Health Services Division,~~ as delegated by the Commissioner and Deputy Commissioner.

Inmate Management System (IMS) - The DOC's automated information system that provides processing, storage and retrieval of inmate related information needed by DOC personnel and other authorized users within the criminal justice system.

~~Central Office Date Computation Unit - Centralized unit assigned to review and approve releases.~~

~~Commissioner - the chief executive officer of the Department of Correction.~~

~~Commissioner's Designee - the individual assigned by the Commissioner to review and approve releases.~~

~~Committing Institution - the state or county institution to which the inmate was originally committed, i.e. MCI Cedar Junction at Walpole, MCI Concord or MCI Framingham.~~

Inmate Sentence Listing (ISL) - ~~The Report~~ the form generated from the IMS providing essential inmate sentencing information and including the date computation.

Mittimus - The sentencing document(s) issued by the court committing the inmate to incarceration that contains sentence information to include ~~of imposition of the sentence, any jail credits, effective date of sentence,~~ offense, term of imprisonment and any other orders made by the court ~~sentence, sentencing court and sentencing statute.~~

~~Mittimus Papers - the package of sentencing documents received from the court upon commitment of an inmate to the Department.~~

~~New Admissions - inmates committed to the Department of Correction, bearing a committing institution's identification number who arrive at an institution as a result of a court order, a transfer from another institution, the execution of a parole violation warrant or the execution of an escape warrant.~~

~~_____~~ New Commitments - Newly~~newly~~ sentenced and committed inmates ~~admitted to a committing institution as prescribed by law.~~

Records Manager - The person responsible for the daily operations of an institutional Records Department.

Release Coordinator - The person responsible for the physical release of an inmate from the institution.

Request to Notify - Written correspondence sent by the Central Date Computation Unit (CDCU) to another jurisdiction advising them that an inmate in their custody is also subject to a Massachusetts sentence(s) and further requesting that the other jurisdiction inform the CDCU when the subject inmate is within a specified time period of completing service of the other jurisdiction's sentence(s).

~~_____~~ Superintendent - The~~the~~ chief administrative officer of a correctional institution.

~~_____~~ Superintendent's Designee ~~the individual or individuals appointed by the Superintendent to review and record all sentence calculations.~~

410.07 Initial Determination of Inmate Status

~~_____~~ ~~The Superintendent's designee shall review an inmate's mittimus or warrant to determine if the inmate is a new commitment or a new admission (i.e. transfer, parole violator or returned escapee).~~

~~410.08~~ ~~New~~ The Booking Department of the ~~Commitment~~

(1) ~~_____~~ ~~The Superintendent's designee at a~~ committing institution shall review the mittimus to determine the status of the inmate, new commitment, admission or transfer.
length of

410.08 New Commitments or Admissions

CDCU shall review the mittimus to identify the inmate's sentence, offense, and sentencing statute and shall determine whether review the sentence complies for compliance with statutory requirements.

(2) 1. CDCU~~The Superintendent's designee~~ shall enter relevant data into the Inmate Management System (IMS) Sentence and, Offense, and Arresting Agency screens. In the case of a returned parole violator or return from escape, the Parole Return screen or the Escape Return screen~~Data~~ shall include, but not be utilized~~limited~~ to enter relevant release,

~~sentencing statute, date of offense, docket number, sentencing court, jail credits, term of sentence, sentence imposition date and return dates for computation purposes. Any accrued earned good time shall also be reviewed for accuracy and compliance in accordance with 103 CMR 411, Deductions from Sentence . sentence invocation date.~~

(3) 2. CDCU~~The Superintendent's designee~~ shall calculate the inmate's dates utilizing the IMS Sentence screen, and ensure by manual calculation that the sentence structure and date computation is accurate and, once this has been completed, shall check the date certified box in the sentence information screen in IMS.

3. Any release date computations not calculated correctly in IMS shall have the release dates manually calculated and entered into IMS by CDCU, who will thereafter check the IMS Manual Date Computation check box. Additionally, the names of all inmates sentenced by a Massachusetts court whose release dates do not calculate correctly in IMS shall also be maintained on a central list by CDCU.

4. CDCU

(4) ~~The Superintendent's designee shall ensure that the computation of an inmate's initial dates is reviewed for accuracy. Additionally, any dates calculated or entered manually (e.g. out of state sentences) shall be reviewed and the results documented in the IMS Manual Date Computation Log screen.~~

(5) ~~The Superintendent's designee shall print and review the ISL Inmate Sentence Listing Report from IMS. The CDCU employee conducting this review the IMS Sentence Details screen. A copy of the Inmate Sentence Listing Report shall certify the ISL by providing certification information and status, as well as the certifier's name and date of certification on the ISL and forward it to the institution where the inmate is housed. Upon receipt, the Records Manager or~~ be printed and placed in the inmate's institutional file.

(6) ~~The Superintendent's designee shall ensure that each inmate is informed of his sentence computation, and issued a copy of an inmate sentence listing report. The issuance of this report shall be documented in the IMS Deduction from Sentence Tracking Log screen.~~

410.09 Parole Violators

(1) ~~Upon an inmate's return as a parole violator, the Superintendent's designee shall~~

~~recompute the inmate's sentence. The IMS Parole Returns screen shall be utilized.~~

~~(2) The Superintendent shall ensure that the computation of a parole violator's dates is reviewed for accuracy.~~

~~(3) The Superintendent's designee shall issue an updated Inmate Sentence Listing report and place the certified ISL# in the inmate's institutional six-part folder and issue a copy to file.~~

~~(4) Each Superintendent's designee shall ensure that each parole violator is informed of his sentence recomputation, and issued a copy of an inmate's sentence listing report. The issuance of this report shall be documented in the inmateIMS Deduction from Sentence Tracking Log screen.~~

410.09 ~~410.10~~ Return Escapees

~~The Superintendent shall ensure that procedures set forth in 103 CMR 410.09 (1) through (4) are followed upon an inmate's return from escape. The IMS Escape Returns screen shall be utilized.~~

410.11 ~~Transfers~~

~~Upon an inmate's transfer to another institution, the Records Manager or designee Superintendent of the receiving institution shall ensure that all of the inmate's mittimuses have been stamped as reviewed by CDCU and that all respective mittimuses are reflected on the ISL. In the event there the inmate's mittimus and Inmate Sentence Listing Report are any documents which have not been stamped by CDCU or otherwise accounted for, CDCU shall be notified reviewed for accuracy.~~

410.10 ~~Inmates~~ Adjusted Dates

~~(1) Upon receipt of an amended mittimus, additional sentence or a subsequent revision in sentence, the Custody of Another Jurisdiction Superintendent's designee shall update an inmate's IMS Sentence, Offense, and Arresting Agency screens as necessary to reflect revisions in the inmate's sentencing information. The designee shall print an updated Inmate Sentence Listing report for placement in the inmate's 6 part folder.~~

~~(2) Each time an inmate's sentence is adjusted, the inmate shall be given an accurate Sentence Listing report. The issuance of this report shall be documented in the IMS Deduction from Sentence Tracking Log screen.~~

~~410.13~~ CDCU shall track and perform date computation functions for inmates in the custody of another jurisdiction who have concurrent or consecutive Massachusetts sentences to be served.

1. Concurrent Sentences

- a. CDCU shall obtain the original mittimus;
- b. CDCU shall review the mittimus to confirm the sentence type;
- c. CDCU shall obtain a Waiver of Extradition from the DOC's Legal Division or the District Attorney Office where applicable, or forward a waiver of extradition to the inmate for signature;

CDCU shall communicate with the committing ~~Sentence Deductions~~

- d. ~~The Superintendent of each~~ institution Records Manager to obtain the inmate's commitment number. The Records Manager shall ensure all other booking functions as provided by in 103 DOC 401, Booking and Admission, ~~that sentence deductions are completed;~~
- e. CDCU shall enter the sentence and complete date computation ~~computed and recorded~~ in accordance with this regulation. The committing institution Records Manager or designee shall complete the criminal records check in accordance with 103 DOC 417, Criminal History Records Information, update the inmate status in IMS, construct the six-part folder and forward the six-part folder to the County Federal and Interstate Unit (CFI);
- f. CDCU shall forward a Detainer Letter along with a copy of the mittimus and Waiver of Extradition to the other jurisdiction;
- g. Upon receipt of a signed Waiver of Extradition and computation of the Massachusetts sentence(s), CDCU shall provide the ISL for the Massachusetts sentence(s) to the other jurisdiction and to the inmate;
- h. CFI shall conduct a review of earned good time at least annually , and quarterly when the out of state inmate's projected release date is within one year;
- i After this annual review of earned good

time, the CFI shall provide a DFS Report to the other jurisdiction and the inmate until the projected release date is within one (1) year; and thereafter upon the CDCU's recalculation of the projected release date;

j. CDCU shall prepare a Certificate of Discharge/Release in accordance with this regulation. Once prepared, CFI shall notify the other jurisdiction of the release of the inmate's obligation to the Massachusetts concurrent sentence(s) in circumstances when the other jurisdiction's sentence(s) expires after the Massachusetts release;

k. CFI shall, on the day of the expiration of the Massachusetts sentence, provide the other jurisdiction with a detainer removal letter reflecting that the inmate's obligation to the Massachusetts sentence(s) have been satisfied, along with a copy of the Certificate of Discharge/Release;

l. For an inmate whose sentence ~~the provisions set forth in 103 CMR 411.00, Deductions~~ from another jurisdiction is scheduled to expire prior to his/her DOC sentence, CDCU shall perform the actions outlined below in consecutive sentences (e) and (f). ~~Sentence.~~

2. Consecutive Sentences

a. CDCU shall obtain the original mittimus;

b. CDCU shall review the mittimus to confirm sentence type;

c. CDCU shall forward a Detainer Letter , along with a copy of the mittimus to the other jurisdiction;

d. CDCU shall obtain a Waiver of Extradition from the DOC Legal Division or the District Attorney's Office, if applicable, or forward a Waiver of

Extradition to the inmate for signature:

- e. CDCU shall obtain the other jurisdiction's release date(s) annually until the projected release date from the other jurisdiction is within one (1) year, and thereafter at least quarterly;
- f. CDCU shall notify the DOC's Central Transportation Unit (CTU) of the date that the inmate will be available to the DOC, including the inmate's current location for CTU to make transportation arrangements.

410.11 Additional Data

If additional mittimuses, jail credit or other documents affecting an inmate's sentence are received by the institution following the initial sentencing of an inmate, the Records Manager or designee shall forward the document to the CDCU. If the additional data received may result in a possible upcoming release, the Records Manager or designee shall notify CDCU immediately. Once CDCU receives such documents, it shall process the additional data and forward the additional data, along with an amended certified ISL, to the Records Manager or designee for filing within the six part folder and provide a copy to the inmate.

410.12 Forfeiture and Restoration~~14~~ — ~~Forfeitures~~ of Good Conduct Credits

Inmates eligible for~~receiving~~ statutory good conduct credit (SGT) pursuant to M.G.L. c. 127, § 129 may be subject to forfeitures of such credit in accordance with M.G.L. c. 127, §§ 49, 83C, 129 upon the finding of guilt of ~~The Commissioner of Correction is authorized to forfeit statutory good conduct deductions from the sentence of an inmate sentenced to a state correctional institution who has been found guilty of an infraction by a disciplinary~~ infraction. In such circumstances, the disciplinary hearing officer recommends the .

The recommendation for forfeiture of SGT, and this~~good conduct is initiated by the disciplinary officer via IMS. The~~ recommendation is reviewed by the Superintendent, ~~Deputy Associate~~ Commissioner of Reentry and Commissioner in sequential order, with a denial at any

of these levels terminating the process. The Commissioner decides whether SGT is to be forfeited, or whether previously-forfeited SGT may be restored (based on a recommendation of the Superintendent). ~~Reintegration and Commissioner decisions regarding~~ consecutively, in order for each to render a decision. The decision shall be entered in IMS. (Note: ~~The commissioner shall decide upon any recommended forfeiture or restoration shall be forwarded to the inmate and implemented by CDCU.~~ of good conduct deduction within 60 days from the date of inmate notification of the disciplinary board's finding pursuant to 103 CMR 430.17 (1). In situations where IMS is not available, to include instances where a state inmate is housed in another jurisdiction, a manual process shall be utilized. Forms are located on the Date Computation Intranet page. Once a final decision has been made, the Superintendent or designee shall ensure that the inmate is notified of the final decision within two business days.

410.15 Restoration of Good Conduct Credits

~~The Superintendent having custody of an inmate may at any time recommend that the Commissioner restore any or all good conduct credits previously forfeited by an inmate.~~

~~The Superintendent shall submit the restoration recommendation to the Associate Commissioner of Reentry and Reintegration utilizing the Date Computation module, Restoration of Good Time screen in IMS. Upon review, the Associate Commissioner of Reentry and Reintegration shall submit a recommendation to the Commissioner, utilizing this screen. The Commissioner shall review the restoration recommendation and render a decision utilizing the Restoration of Good Time screen in IMS. In situations where IMS is not available, to include instances where a state inmate is housed in another jurisdiction, a manual process shall be utilized. Forms are located on the Date Computation Intranet page. Once a final decision has been made, the Superintendent or designee shall ensure that the inmate is notified of the final decision within two business days.~~

410.16 Request for Certificates of Discharge/Release

~~(1) The release module will be utilized to effectuate the Request for Certificate of Discharge/Release.~~

~~(a) The Superintendent's designee shall process a Release Order for all inmates for review by the Central Office Date Computation Unit at least 60 days prior to the earliest projected discharge date for general releases and 120 days in advance of the earliest projected discharge date for inmates identified as sex offenders.~~

~~(b) In the case of Massachusetts inmates housed in county, out of state, or federal custody, the Superintendent's designee at the designated facility shall prepare the release order.~~

~~(c) Release Orders shall be computed in accordance with provisions set forth in 103 CMR 411.00: *Deductions from Sentence* and any other applicable policies.~~

~~(d) The Release Order shall have all applicable IMS screens completed. Additionally, hard copies of the Inmate Sentence Listing report and copies of the disciplinary chronology, warrant chronology, administrative chronology and forfeitures/restorations that cannot be obtained via IMS shall be submitted to the Central Office Date Computation Unit. Also, all earned good time credits shall be reviewed and updated, if needed, to include presumptive earned time in the IMS date computation module prior to submitting the Release Order.~~

~~(e) The Release Order shall be reviewed by the Commissioner's designee for completeness and accuracy.~~

~~(f) Upon determination of accuracy of the requested release date, the order shall be forwarded to the Commissioner or a designee for final approval.~~

~~(g) Upon approval, the Commissioner or a designee shall issue a certificate of discharge/release.~~

~~(h) Immediately prior to release, institutional date computation staff will review the inmate's status for accuracy of discharge/release date and appropriateness of release from custody. This review will include a thorough check of the inmate's mittimus, six part folder, and the IMS to ensure that no circumstances have occurred since the submission of Release Order that would effect an inmate's discharge/release date or appropriateness of discharge/release from custody. This review is particularly important when the institution that submitted the Release Order differs from the institution releasing the inmate.~~

~~410.17 Training~~

~~(1) The Superintendent's designee assigned to date computations shall receive appropriate training~~

410.13 Request for Certificates of Discharge or Release

CDCU shall issue monthly an upcoming release list to each institution for inmates who are releasing within one-hundred-fifty (150) days. The institutional Records Manager or designee shall add the inmates to their Master Facility Upcoming Release List, as well as perform any duties as specified on the CDCU monthly release list.

CDCU will monitor all inmates on the institution upcoming release list and award EGT.

CDCU shall process all inmate Certificates of Discharge/Release. CDCU shall complete a Certificate of Discharge/Release and forward the signed Certificate of Discharge/Release to the respective Superintendent or his/her designee. The Superintendent or designee shall sign the Certificate of Discharge/Release. The physical release of an inmate from the DOC's custody shall be in accordance with applicable DOC procedure by the Release Coordinator.

410.14 Training

CDCU shall provide training on date computation and records functions for DOC staff as needed, and provide ongoing training to CDCU staff in accordance with 103 DOC 216, Training and Staff Development. ~~-policy. Internet access for this policy can be obtained at: <http://www.mass.gov/doc/policy>.~~

Institution Records Managers shall train Shift Commanders in the role of Release Coordinator. Shift Commanders shall be responsible for inmate releases during non-business hours.

~~(2) Training will be provided by the Department of Correction Training Academy and other~~

~~qualified staff.~~

410.15~~18~~ Date Computation Manual

A manual of operations for sentence computation shall be ~~available and referenced when appropriate. This manual shall be~~ maintained by the CDCU and made available for reference~~Central Office Date Computation Unit and approved by the DOC. Legal Division. This manual may include, but not be limited to, a detailed account of all rules, relevant statutes, regulations, policies and procedures governing sentence computation. It may also include specifics detailing requests for discharge, forfeitures, and restoration of good conduct credits.~~

410.16~~19~~ Emergencies

Whenever in the opinion of the Commissioner, Deputy Commissioner, or the Superintendent of a state correctional institution, an emergency exists ~~that~~which requires suspension of all or part of 103 CMR 410.00, such suspension may be authorized, provided that any such suspension, ~~exceeding over~~ 48 hours, must be authorized by the Commissioner.

410.17~~20~~ Responsible Staff

A. ~~(1)~~—The Commissioner shall be responsible for implementing and monitoring 103 CMR 410.~~00~~ throughout the DOC~~department~~.

B. ~~(2)~~—Each Superintendent or a designee shall be responsible for the implementation of 103 CMR 410.~~00~~ and for the development of any and all necessary and appropriate institutional procedures.

410.18~~21~~ Annual Review

103 CMR 410.~~00~~ shall be reviewed at least annually by the Commissioner or a designee. The party or parties conducting the review shall develop a memorandum to the Commissioner with a copy to the Central Policy File indicating ~~that the review has been completed. Recommendations for~~ revisions, additions ~~or~~ and deletions which shall be included for the Commissioner's written approval and shall become effective pursuant to applicable law.

410.19~~22~~ Severability

If an article, section, subsection, sentence, clause

or phrase of 103 CMR 410.~~00~~ is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Commissioner, or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of 103 CMR 410.~~00~~.

REGULATORY AUTHORITY

M.G.L. c. 124, § 1 (c), (g) and (j), M.G.L. c.125, §§ 12 and 14, M.G.L. c.127, §§ 129, 129B, 129C, 129D, and M.G.L. c. 279, § 33A and ~~St. 1993, c. 432.~~